

HOUSE BILL No. 1365

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-14.

Synopsis: High school athlete steroid testing. Requires random steroid testing of a certain percentage of all high school athletes who participate in football or baseball events conducted, organized, sanctioned, or sponsored by an association.

Effective: July 1, 2008.

Turner, Brown C, Brown T, Buell

January 16, 2008, read first time and referred to Committee on Education.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1365

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-14-0.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter,**
4 **"anabolic steroids" means any substance identified as an anabolic**
5 **steroid under:**

6 **(1) 21 U.S.C. 802(41)(A) and 21 U.S.C. 802(41)(B)); or**

7 **(2) IC 16-18-2-15.**

8 SECTION 2. IC 20-26-14-5, AS ADDED BY P.L.1-2005,
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2008]: Sec. 5. **(a)** A school corporation may participate in:

11 (1) an association; or

12 (2) an athletic event conducted, organized, sanctioned, or
13 sponsored by an association;

14 if the association complies with **section 6** of this chapter.

15 **(b) A school corporation may not participate in an association**
16 **unless the association establishes and maintains a program under**
17 **which students:**

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(1) who are in grades 9 through 12 in the association's member schools; and

(2) who participate in regular season or postseason competition in football or baseball that is governed by the association;

are subject to random testing for the use of anabolic steroids. The program must meet the conditions set forth in section 7 of this chapter.

SECTION 3. IC 20-26-14-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The anabolic steroid testing program established and maintained by an association under section 5(b) of this chapter must, at a minimum, meet the following conditions:

(1) A testing agency selected by the association must administer the testing program.

(2) Member schools must be required to report to the association the names of all students who will represent the school in football and baseball each school year. Under association rules, a student must be ineligible to participate in football or baseball until the student's name has been reported to the association by the school.

(3) A maximum of one percent (1%) of the total number of students who participate in football or baseball must be randomly selected by the testing agency to undergo testing each school year.

(4) The testing agency must, not fewer than seven (7) days in advance, notify both the administration of a school and the association of the date on which the testing agency's representatives will be present at the school to collect a specimen from one (1) or more randomly selected students. However, the names of the students from which a specimen is to be collected must not be disclosed.

(5) Each student who wishes to participate in football or baseball and the student's parent must consent to being subject to testing under the program each school year as a prerequisite to athletic eligibility. This consent must be in writing on a form prescribed by the association and provided to the student by the student's school. Under association rules, a student must be ineligible to participate in football or baseball if the student does not complete and sign the consent form. The consent form must include the following information:

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(A) A brief description of the anabolic steroid testing program.

(B) The consequences for a student who has positive test results.

(C) The procedure for challenging positive test results.

(D) The procedure for appealing the suspension of a student for positive test results.

(b) The rules of an association that establishes and maintains an anabolic steroid testing program under section 5(b) of this chapter must provide that:

(1) a student who is selected for testing and fails to provide a specimen is immediately suspended from interscholastic athletic practice and competition until the student provides a specimen; and

(2) a student who tests positive in a test administered under the program:

(A) is immediately suspended from participation in all interscholastic athletic practice and competition sanctioned by the association;

(B) remains suspended from participation in all interscholastic athletic practice and competition sanctioned by the association for a period of ninety (90) school days and is subject to a mandatory exit test for restoration of eligibility not sooner than the sixtieth school day of the suspension;

(C) if the exit test administered under clause (B) is negative, is restored to eligibility at the end of the period of ninety (90) school days, or if the exit test administered under clause (B) is positive, is subject to repeated testing and remains suspended until such time as a subsequent retest of the student results in a negative finding; and

(D) is subject to repeated testing for the duration of the student's high school athletic eligibility.

SECTION 4. IC 20-26-14-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) If a student attending school in a school corporation tests positive in a test administered under a program established and maintained by an association under section 5(b) of this chapter, the student's school shall:

(1) notify the student and the student's parent of the positive test results; and

(2) schedule a meeting with the student and the student's

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parent during which the principal of the school or the principal's designee shall review with the student and parent:

- (A) the positive test results;
- (B) the procedure for challenging the positive test results under section 9 of this chapter;
- (C) the prescribed penalties for positive test results; and
- (D) the procedure for appealing the prescribed penalties under section 9 of this chapter.

(b) A student who attends school in a school corporation and who tests positive in a test administered under a program established and maintained by an association under section 5(b) of this chapter shall attend and complete an appropriate mandatory drug education program conducted by:

- (1) the student's school;
- (2) the student's school district; or
- (3) a third party organization contracted by the school or school district to conduct such an education program.

SECTION 5. IC 20-26-14-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 9. The following due process must be afforded to a student who attends school in a school corporation and who tests positive in a test administered under a program established and maintained by an association under section 5(b) of this chapter:**

(1) The student's school:

(A) may challenge; and

(B) at the request of the student, must challenge;

the positive finding in the test conducted on the student. In a challenge under this subdivision, a sample of the original specimen provided by the student and retained by the testing agency shall be analyzed. The school or the student's parent shall pay the cost of the analysis. If the analysis results in a positive finding, the student remains ineligible until the penalty prescribed under section 7(b)(2)(B) of this chapter is fulfilled. If the analysis results in a negative finding, the association must immediately restore the eligibility of the student and shall repay to the school or the student's parent the cost of the analysis. The student remains suspended from interscholastic athletic practice and competition during the challenge.

(2) The student's school:

(A) may appeal; and

(B) at the request of the student, must appeal;

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to the association's case review panel established under section 6 of this chapter the period of ineligibility imposed on a student as a penalty as a result of a positive finding in the test conducted on the student.

(3) In an appeal under subdivision (2), the case review panel may:

(A) require the student to complete the prescribed penalty;

(B) reduce the prescribed penalty by one-half (1/2); or

(C) provide complete relief from the prescribed penalty.

Regardless of the decision of the panel under this subdivision, the student remains ineligible until the student tests negative on an exit drug test under section 7(b)(2)(C) of this chapter and the student's eligibility is restored by the association.

(4) If the student's school, the student, or the student's parent is dissatisfied with the decision of the case review panel under subdivision (3), the school:

(A) may pursue the appeal before the panel; and

(B) at the request of the student, must pursue the appeal before the panel.

(5) In an appeal under subdivision (4), the case review panel may:

(A) require the student to complete the prescribed penalty;

(B) reduce the prescribed penalty by one-half (1/2); or

(C) provide complete relief from the prescribed penalty.

Regardless of the decision of the panel under this subdivision, the student remains ineligible until the student tests negative on an exit drug test under section 7(b)(2)(C) of this chapter and the student's eligibility is restored by the association. The decision of the panel on an appeal under this subdivision is final.

SECTION 6. IC 20-26-14-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 10. (a) Records relating to:**

(1) tests conducted under the program established and maintained by an association under section 5(b) of this chapter; and

(2) any challenge or appeal conducted under the program; are declared confidential for purposes of IC 5-14-3-4(a)(1) and shall be maintained separately from a student's educational records.

(b) Records referred to in subsection (a) may be disclosed only to:

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- (1) the association;
- (2) the student who is subject to the testing;
- (3) the parent of the student who is subject to the testing;
- (4) the administration of the school attended by the student who is subject to the testing; and
- (5) the administration of any school to which a student may transfer during a suspension from participation in interscholastic athletics resulting from a positive finding in a test administered under the program established under section 5(b) of this chapter.

The entities or persons receiving the records or information contained in the records shall maintain the confidential status of the information.

(c) The result of a test conducted under the program established and maintained by an association under section 5(b) of this chapter is not admissible as evidence in a criminal prosecution.

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